

OFFICE OF PERSONNEL MANAGEMENT
Interagency Advisory Group
1900 E Street, N.W.
Washington, D.C. 20415

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Minutes of the IAG Committee on
Adverse Actions and Appeals

December 15, 1978

Wilma Lehman of BPS' Policy Analysis and Development Division chaired the meeting, assisted by Roger Menke of the Pay Policy Division. She told the members of the need for a special meeting of the Committee to discuss both a draft regulation for the agency grievance system and OPM intervention in MSPB appeals cases and decisions. They agreed on December 22 as being the best available date for that meeting, to be held in Room 1304 at the usual time -- 10:00 a.m. Mrs. Lehman said that copies of draft grievances would be available by the afternoon of December 21.

Mrs. Lehman relayed a request by Jean Barber of PADD that members who are interested in discussing OPM intervention in MSPB cases before next week's meeting to sign up for telephone discussions or to call her at 632-6077.

Adverse actions in process during transition from current law to new law

A decision has not yet been made as to when the new law will take effect regarding adverse actions which were begun before January 11, 1979. Not yet resolved is the question of whether appeals are considered administrative proceedings under section 902(b) of title IX of the Reform Act. Two possibilities are being discussed:

1. If an action has been proposed before January 11, 1979, an appeal would be decided by MSPB under current standards and regulations; or
2. If an action has been proposed before January 11, 1979, but the effective date of the action comes after that date, the new standards and requirements will be applied by MSPB in arriving at its decision.

(Note: A special bulletin, 752-1, was sent to the printers on December 29, which explains that the governing date will be the date the employee receives the proposed notice.)



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In either case, appeals after January 1 will be made to MSPB with no further opportunity for requests for reopening and reconsideration by ARB or the Commission.

Draft Part 432

While editorial changes have yet to be made in this draft, members were given at the meeting copies of what probably will be sent to the Commissioners. Mrs. Lehman noted that this and several other regulations probably will be published together January 2 or soon thereafter in the Federal Register. They will be interim regulations, i.e., proposed rule-making, with a 60-day comment period after January 11, 1979. Their effective date will be January 11, not to exceed six months or whenever the permanent regulation is published.

Some areas of discussion:

- Members questioned whether the term used in section 432.207 of the draft should be "summary or transcript" or just "summary". Some felt that the term "summary" alone would allow the use of a transcript if that is what the agency had available. Others believed that the phrase, summary or transcript, was preferable. Those who believed that only a summary should be referred to in the regulation agreed that there could be a discussion in the chapter on the subject.
- A member said that there should be a regulatory requirement that the agency inform the employee of his or her right to review the material the agency relied on in proposing its action. While others agreed, a few felt it should not be in the regulation.
- Members disagreed among themselves as to what "guidance and information" in the chapter material should encompass. While some members felt there should be an absolute minimum of guidance, representatives of smaller agencies expressed a need for more substantial guidance.
- Several members said that agencies should be permitted to set their own requirements for disallowing employee representatives, as they do at present.

Draft Part 536 on saved grade and pay

Mrs. Lehman thought the Committee probably would primarily be interested in the actions covered and the appeals provisions under this new proposed regulation. If an employee is entitled to grade retention,

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only classification and RIF appeals would be accepted concerning the original decision to downgrade and demote. There would be no further right of appeal or grievance concerning the actual demotion which follows in two years. However, the employee could appeal to OPM the termination of grade or pay retention based on declination of a "reasonable offer".

The saved grade and pay provision will be effective the first day of the first full pay period beginning on or after January 11, 1979. They are retroactive to January 1, 1977. An employee who was demoted on that date or after would receive pay and benefits from the date of demotion to the effective date of the saved grade provisions, or to an earlier date on which grade retention would have been terminated, as provided by the CSC regulations. On the effective date of the CSRA, the employee will be entitled to retain the higher grade for two years, following which time he or she will have indefinite pay retention.

Draft Part 752 -- Adverse Actions

Mrs. Lehman said that this was a first draft, developed to be a starting point for discussion. One of the points that needs to be considered is the draft provision of a shortened notice period for a suspension effective during the notice period of a removal or indefinite suspension, when the conduct of the employee is such that he or she cannot be kept on the job and there is no other job available.

Most members agreed that the draft provisions would be workable with a few modifications, which Mrs. Lehman said could be made by Commission staff.

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Minutes of the Committee on
Job Evaluation
December 14, 1978

The meeting was chaired by Paul A. Katz, Chief, Standards Division.
Items on the agenda were:

1. Current developments - Agency Classification Chiefs Workshop
2. Release of standards for Secretary and other clerical series
3. General schedule/1970 Census Occupational Classification Crosswalk
4. Comprehensive analyses - their printing and distribution
5. Other items of current interest

1. Current developments - Agency Classification Chiefs Workshop

Mr. Katz indicated that the draft report for the Williamsburg Workshop was mailed to all participants on November 30, 1978. Work has been initiated by the Workshop Steering Committee for the planned release of the final report early in 1979. The complete "official" report will be submitted to the Steering Committee for approval before it is sent to the printer.

Following this, the value of a briefing on Civil Service Reform - particularly on such matters as the impact of SES, merit pay and performance appraisal on classification - was discussed in some detail. A number of attendees expressed interest in a presentation by a well informed resource person who could lead a discussion by our group. It was agreed that such a discussion will be the priority agenda item for our next committee meeting. In response to requests for information about the structure of the Office of Personnel Management, a copy of the draft organization chart is attached to these minutes.

2. Release of standards for Secretary and other clerical series

Sue Scheig, Chief, Financial & Management Occupations Section, Standards Division, gave a detailed explanation of the forthcoming standards package, distributed for ad hoc review in February 1978 and now being released to the printer for publication and distribution.



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The package includes:

- Secretary, GS-318 -- classification standard
- Typing and Stenography Grade Evaluation Guide
- Flysheets for Clerk-Typist GS-322, Clerk-Stenographer & Reporter, GS-312, Miscellaneous Clerk & Assistant Series, GS-303 and Misc Administration & Program Series, GS-301
- Reissue of General Grade Evaluation Guide for Nonsupervisory Clerical Positions, which deletes reference to GS-301 -- now becomes a general guide without series identification

Comments/objections to the revised standards under the ad hoc review procedures were received from a total of 26 Federal agencies, interest groups and individuals. These are some of the issues addressed in the course of the ad hoc review. They relate to the standards for Typing and Secretary.

- a. Word Processing Positions - inclusion in the Clerk-Typist Series; grade level criteria

The occupational study showed that typing done on word processing equipment involved the same basic qualifications, same range of difficulty as did typing performed on conventional equipment. Combination of typing with other kinds of clerical work follows established principles for evaluation of mixed positions. Clarifying language added on series selection and grading criteria.

- b. Typing from voice recordings - inclusion of dictating machine in Clerk-Typist Series, grade level criteria

Objection expressed to linking classification of such positions to typist rather than steno standard because of anticipated adverse grade effect. Again, occupational study shows typing from voice recordings involves same basic qualifications as for regular typing. Typist standard makes no change in basic evaluation criteria for these positions. Grade level patterns replicate those derived from use of previous (steno) criteria. Same advice on mixed positions as expressed for word processing positions.

- c. Cold-type composing machine positions - inclusion of such positions in Clerk-Typist Series

Extensive fact finding done in occupational study of word processing operations provided confirmation for decision on series selection.

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d. Secretary standard - need for additional benchmarks; modifications adopted

Comments showed need for additional benchmarks for headquarters level positions. Implementation plans for this standard contemplate consideration of additional benchmarks once agencies have had the opportunity to review the overall published standard. In response to questions raised about the advisability of this procedure, Ms. Scheig indicated that certain revisions had been made in the description of Work Situations B and C under Factor 1, which should reduce the impact of the standard on higher graded positions. Confusion over the intent of criteria concerning number of subordinate levels/functions in grading secretary positions should be relieved by these clarifications. Instructions for evaluating positions of secretaries to deputy positions have been modified to eliminate the provision that credits the deputy's office as a subordinate organization. A note concerning the usual factor level pattern for the work of a secretary to a deputy as compared to that of the primary secretary has been retained. Procedures for the development and publication of supplemental benchmarks will be worked out.

Plans for assisting the agencies in interpreting and implementing the new standards recognize the value of a coordinated approach. Therefore, standards have been sent to the printer with the understanding that they are not for official application prior to March 31, 1979. Expect advance copies of the package will be distributed to agency headquarters by the first week in January 1979.

In addition to providing lead time to agencies for planning implementation of the new standards, the delayed application date also provides time for necessary orientation/explanation on these standards to the personnel community. One or more briefing sessions (depending on demand) in the OPM auditorium are scheduled for January. These sessions might be videotaped for release to agencies - estimated cost is \$40 per copy. A number of media will be used in conveying information to employees, supervisors, special interest groups and the general public. These include publicity releases to newspapers, articles for publications such as First Line, Administrator's Alert, and the Federal Womens' Program Newsletter.

There was a favorable response from the group regarding the planned auditorium briefings. The indication was that more than one session might be needed. Some interest in purchasing videotapes was also expressed by a few individuals. The proposal was advanced that a follow-on to the auditorium briefings might be an information exchange meeting in which different agency plans for standards implementation could be discussed.

The matter of how individual standards should be printed by GPO was also considered since some had recently been issued in bound form. This complicates loose-leaf filing and addition of insert pages. The committee concluded that classification standards should be printed on individual sheets with a hard cover and stapled in the upper left corner.

5. Other items of current interest

The committee was alerted to the release, by separate mailing, of a request for agency priority preferences for GS standards projects. This is supplementary to the response already made to Bulletin #271-28 and provides agencies with the opportunity to determine the final priorities.

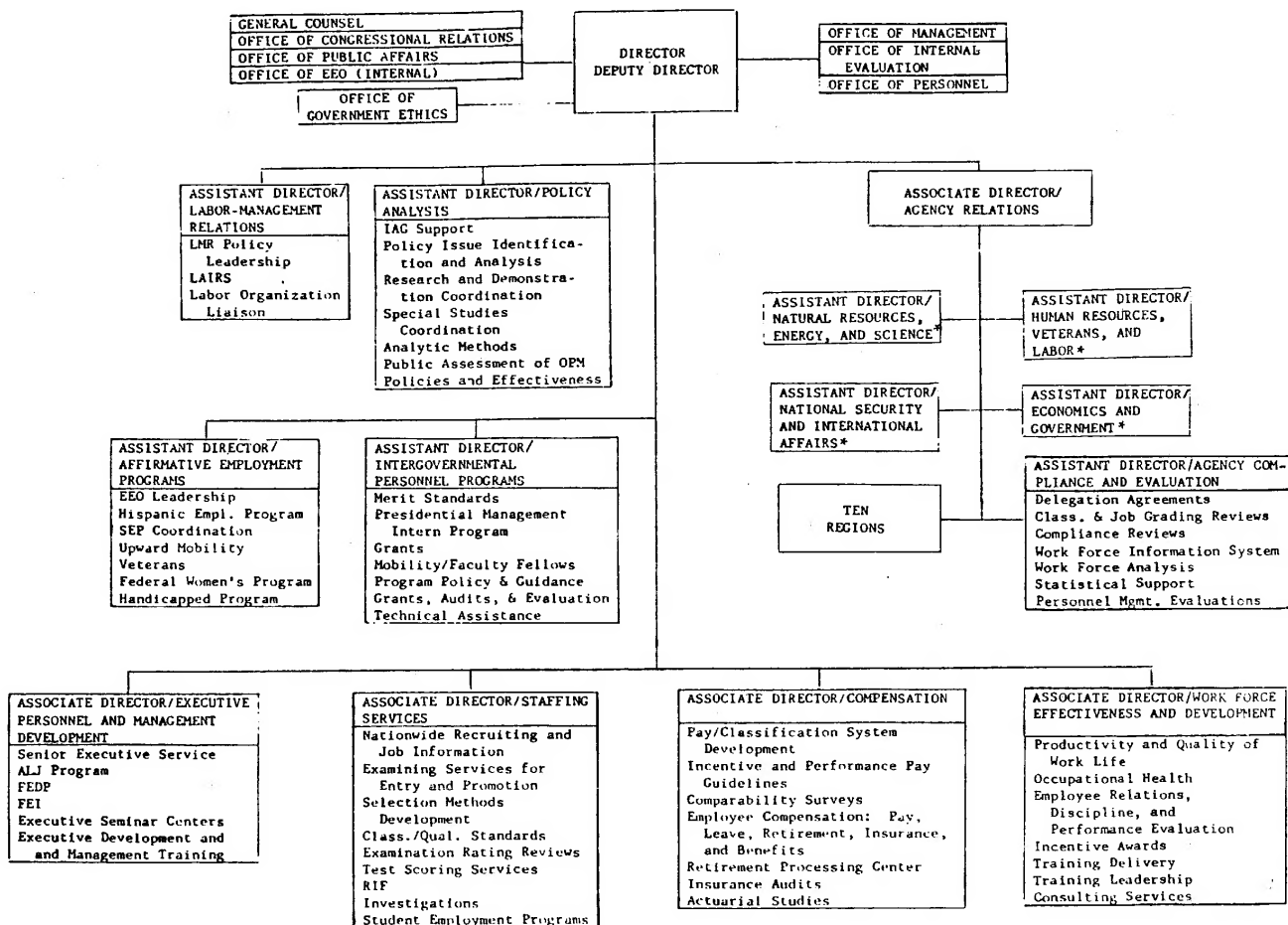
The following draft standards have been released for comment:

Recreation specialist	GS-188	
Recreation aid & asst	GS-189	due Feb 1, 1979
Computer specialist	GS-334	
Computer clerk/asst	GS-335	due Jan 22, 1979
Forestry	GS-460	due Jan 31, 1979

Copies of the International Civil Service Commission report on equivalencies were distributed to representatives of the agencies that participated in the study. Federal Register copies of the Uniform Guidelines for Employee Selection were made available to those attending this meeting.

Attachment

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*Include agency officers and consultants.

12-5-78